

THOMAS P. BEKO, ESQ. (SBN 02653)
ERICKSON, THORPE & SWAINSTON
99 West Arroyo Street, Reno, NV 89509
Telephone: 775-786-3930; Fax: 775-786-4160
tbeko@etsreno.com
Attorneys for Brae Hulery, Candice Hulery

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

In re:

Case No.: BK-N-21-50236-BTB

JUSTIN M. GIULIANI,
Debtor.

Adversary Case No: _____

Chapter 13 Case

**COMPLAINT OBJECTING
TO DISCHARGE PURSUANT
TO 11 U.S.C. § 523**

BRAE HULERY and CANDICE HULERY,
Plaintiffs,

(No Hearing Required)

vs.

JUSTIN M. GIULIANI,
Defendant.

BRAE HULERY and CANDICE HULERY (hereinafter “the Hulerys”), by and through their counsel of record, ERICKSON, THORPE & SWAINSTON, LTD., and THOMAS P. BEKO, ESQ., and hereby complain against the defendant JUSTIN M. GIULIANI as follows:

I.

PARTIES

1. The plaintiffs, BRAE HULERY and CANDICE HULERY are individuals who at all times relevant hereto were residents of the State of Nevada, County of Washoe.

///

15. In response to this Complaint, the Debtor filed a counter claim against the plaintiffs wherein he sought damages in an amount in excess of \$18,000.00 purportedly for work performed and storage fees.

16. On October 6, 2020, the plaintiffs filed a Motion to Amend their Complaint to add additional claims. That motion was granted on October 23, 2020. The Debtor filed his Answer to that Amended Complaint on October 28, 2020.

17. The plaintiffs' First Amended Complaint contains six separate claims for relief. They include claims for breach of contract, intentional misrepresentation, negligent misrepresentation, unjust enrichment, breach of the implied covenant of good faith and fair dealing, and consumer fraud and deceptive trade practices. Several of these claims are based upon willful, malicious and intentional misconduct.

IV.

FIRST CLAIM FOR RELIEF (OBJECTION TO ~~DISCHARGE OF CLAIM-~~ 11 U.S.C. § 523(a)(6)) ABUSE OF LEGAL PROCESS

18. Plaintiffs repeat and allege each and every allegation contained in paragraphs 1 through 17 above, and incorporate the same herein as though set forth in full.

19. An individual debtor may not be discharged from any debt for willful and malicious injury by the debtor to another.

20. As alleged herein, the plaintiffs are informed and believe that the Debtor has engaged in conduct in violation of 11 U.S.C. § 523(a)(6).

21. In doing the things alleged in the underlying state court action, the defendant Debtor wilfully and deliberately intended to cause the plaintiffs to suffer financial loss, stress, emotional distress and anxiety, and/or he subjectively believed that such an injury, harm and damage was substantially certain to occur as a result of his actions.

22. As a proximate result of the defendant's conduct, the plaintiffs have been damaged in an amount in excess of the claim of \$35,000.00 when including accrued post-judgment interest as alleged in the plaintiffs' Proof of Claim.

23. Plaintiffs are entitled to a judgment pursuant to 11 U.S.C. §523, exempting

1 from the defendant's discharge the claims asserted in the underlying state court action
2 (except the Breach of Contract Claim) in accordance with the damages proven at trial.

3 WHEREFORE, Plaintiffs pray for the following relief:

4 1. For an award pursuant to 11 U.S.C. §523(a)(6) denying the defendant discharge
5 for all amounts owed to the plaintiffs;

6 2. For a reasonable award of attorney's fees;

7 3. For an award of costs of suit;

8 4. For an order allowing the plaintiffs to add additional parties to this litigation when
9 their identities and roles have been determined; and,

10 5. For such other and further relief as this Court may deem just and proper under the
11 circumstances.

12 DATED this 6th day of July, 2021.

13 ERICKSON, THORPE & SWAINSTON, LTD.

14
15 By /s/ Thomas P. Beko, Esq.
16 THOMAS P. BEKO, ESQ.
17 *Attorneys for Brae Hulery and Candice Hulery*
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of ERICKSON, THORPE & SWAINSTON, LTD., and that on this day I personally served a true and correct copy of the foregoing *Complaint Objecting to Discharge Pursuant to 11 U.S.C. § 523*, on all parties in this action by Electronic Mail through the United States District Court's CM/ECF Filing System.

DATED this 6th day of July, 2021.

/s/ Dana Matthews
Dana Matthews

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit Index

Complaint Objecting to Discharge Pursuant to 11 U.S. C. § 523

Exhibit 1